

Friedman & James LLP

Andrew V. Buchsbaum, Esq. (AB-6475) (abuchsbaum@friedmanjames.com)

Attorneys for plaintiffs

132 Nassau Street, Suite 900

New York, NY 10038

(212) 233-9385 (telephone)

(212) 619-2340 (telefax)

-----x
MICHAEL TOSCANO and DONNA TOSCANO,

07 Civ. 7855 (JFK) (BF)

: Plaintiffs,

: -against-

LINCOLN ELECTRIC COMPANY; HOBART
BROTHERS COMPANY; ILLINOIS TOOL
WORKS, INC.; THE ESAB GROUP, INC.;
SELECT ARC, INC.; BOC GROUP, INC. f/k/a
AIRCO, INC.; J.B. ALLOY CORPORATION
a/k/a UNIBRAZE CORPORATION; PRAXAIR,
INC.; TDY INDUSTRIES, INC.; TECHALLOY
COMPANY, INC.; CBS CORPORATION, a
Delaware corporation, f/k/a VIACOM, INC.,
successor by merger to CBS CORPORATION,
a Pennsylvania corporation, f/k/a WESTINGHOUSE
ELECTRIC CORPORATION; UNION CARBIDE
CORPORATION; EUTECTIC CORPORATION;
A.O. SMITH CORPORATION; SANDVIK, INC.;
DELORO STELLITE COMPANY, INC.; ARCos
INDUSTRIES, L.L.C.; MILLER ELECTRIC
MANUFACTURING CO., INC.; THE CITY OF
NEW YORK; and JOHN DOES DEFENDANTS A-Z,

**MOTION TO ADMIT
COUNSEL
PRO HAC VICE-
Malorie G. Leman**

: Defendants.

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S.D. OF N.Y.
FILED
CLERK'S OFFICE

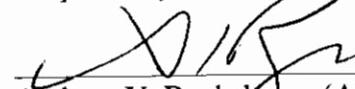
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts
for the Southern District of New York, I, Andrew V. Buchsbaum, a member in good standing of the
bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

Applicant's Name: **MALORIE G. LEMAN**
Firm Name: Williams Kherkher Hart Boundas, LLP
Address: 8441 Gulf Freeway, Suite 600
City/State/Zip: Houston, TX 77017-5051
Phone Number: (713) 230-2200
Fax Number: (713) 643-6226

MALORIE G. LEMAN is a member in good standing of the Bar of the State of Texas. There are no pending disciplinary proceedings against **MALORIE G. LEMAN** in any State or Federal court.

Dated: New York, New York
October 30, 2007

Respectfully submitted,


Andrew V. Buchsbaum (AB-6475)
Friedman & James LLP
132 Nassau Street, Suite 900
New York, NY 10038
Telephone: (212) 233-9385
Telefax: (212) 619-2340

TO: DARGER & ERRANTE, LLP
116 E. 27th St., 12th Floor
New York, NY 10016
Attn: Vincent A. Errante, Esq.
Telephone: (212) 452-5300
Attorneys for Defendants The Lincoln Electric
Company, Hobart Brothers Company,
The ESAB Group, Inc., The BOC Group,
Inc., Praxair, Inc., TDY Industries, Inc.,
CBS Corporation, Union Carbide Corporation,
Eutectic Corporation, A.O. Smith
Corporation and Sandvik, Inc.

LYNCH DASKAL EMERY LLP
264 West 40th Street
New York, NY 10018
Attn: James R. Lynch, Esq.
Telephone: (212) 302-2400
Attorneys for Defendants Illinois Tool Works Inc. and
Miller Electric Manufacturing Co.

BROTHERS & THOMPSON, P.C.
100 West Monroe St., Suite 1700
Chicago, IL 60603
Attn: Ronald Austin, Jr., Esq.
Telephone: (312) 372-2909
Attorneys for Defendants Illinois Tool Works Inc. and
Miller Electric Manufacturing Co.

SEGAL, McCAMBRIDGE, SINGER & MAHONEY, Ltd.
830 Third Avenue
New York, NY 10022
Telephone: (212) 651-7500
Attorneys for Defendant Arcos Industries, L.L.C.

MICHAEL A. CARDOZO
Corporation Counsel, City of New York
100 Church Street
New York, NY 10007
Attn: Raafat S. Toss, Esq.
Telephone: (212) 788-0596
Attorneys for Defendant City of New York

Friedman & James LLP

Andrew V. Buchsbaum, Esq. (AB-6475) (abuchsbaum@friedmanjames.com)

Attorneys for plaintiffs

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-----x
MICHAEL TOSCANO and DONNA TOSCANO,

07 Civ. 7855 (JFK) (BF)

Plaintiffs.

**DECLARATION IN
SUPPORT OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE—
Malorie G. Leman**

-against-

LINCOLN ELECTRIC COMPANY; HOBART
BROTHERS COMPANY; ILLINOIS TOOL
WORKS, INC.; THE ESAB GROUP, INC.;
SELECT ARC, INC.; BOC GROUP, INC. f/k/a
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A.O. SMITH CORPORATION; SANDVIK, INC.;
DELORO STELLITE COMPANY, INC.; ARCos
INDUSTRIES, L.L.C.; MILLER ELECTRIC
MANUFACTURING CO., INC.; THE CITY OF
NEW YORK; and JOHN DOES DEFENDANTS A-Z,

Defendants.

-----x
STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

ANDREW V. BUCHSBAUM hereby declares as follows pursuant to 28 U.S.C. §

1746:

1. I am a member of the firm of Friedman & James LLP, attorneys for plaintiffs in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of plaintiff's motion to admit MALORIE G. LEMAN as counsel *pro hac vice* to represent plaintiffs in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in New York on January 28, 1986. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known MALORIE G. LEMAN since 2007.

4. MALORIE G. LEMAN is an attorney with the law firm of Williams Kherkher Hart Boundas, LLP in Houston, Texas.

5. I have found MS. LEMAN to be a skilled attorney and a person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

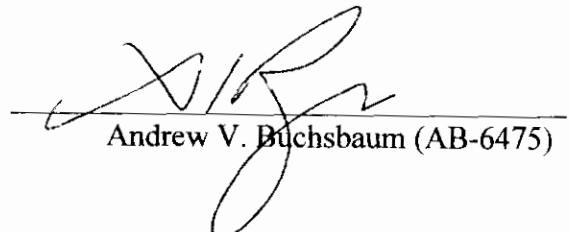
6. Accordingly, I am pleased to move the admission of MS. LEMAN, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of MALORIE G. LEMAN *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE. it is respectfully requested that the motion to admit MALORIE G. LEMAN. *pro hac vice*, to represent plaintiffs in the above-captioned matter, be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 30, 2007



Andrew V. Buchsbaum (AB-6475)

The Supreme Court of Texas

AUSTIN

CLERK'S OFFICE

I, BLAKE HAWTHORNE, Clerk of the Supreme Court of Texas, certify that the records of this office show that

MALORIE GIST LEMAN

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 6th day of November, 2002.

I further certify that the records of this office show that, as of this date

MALORIE GIST LEMAN

is presently enrolled with the State Bar of Texas as an active member in good standing.

IN TESTIMONY WHEREOF witness my hand
and the seal of the Supreme Court of
Texas at the City of Austin, this 25th day
of October, 2007.

BLAKE HAWTHORNE, Clerk

by Brad Sonego
Brad Sonego, Deputy Clerk

No. 4787

Declaration of Service

STATE OF NEW YORK)
)
) ss:
COUNTY OF NEW YORK)

ANDREW V. BUCHSBAUM hereby declares as follows pursuant to 28 U.S.C. § 1746:

I am a member of Friedman & James LLP, attorneys for plaintiffs. On October 30, 2007, I caused to be served by first class mail true and complete copies of Motion for Admission *pro hac vice* of MALORIE G. LEMAN, Esq. and proposed order upon the following:

DARGER & ERRANTE, LLP
116 E. 27th St., 12th Floor
New York, NY 10016
Attn: Vincent A. Errante, Esq.
Attorneys for Defendants The Lincoln Electric Company, Hobart Brothers Company, The ESAB Group, Inc., The BOC Group, Inc., Praxair, Inc., TDY Industries, Inc., CBS Corporation, Union Carbide Corporation, Eutectic Corporation, A.O. Smith Corporation and Sandvik, Inc.

LYNCH DASKAL EMERY LLP
264 West 40th Street
New York, NY 10018
Attn: James R. Lynch, Esq.
Attorneys for Defendants Illinois Tool Works Inc. and Miller Electric Manufacturing Co.

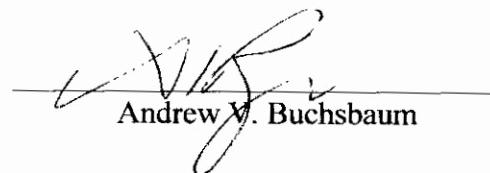
BROTHERS & THOMPSON, P.C.
100 West Monroe St., Suite 1700
Chicago, IL 60603
Attn: Ronald Austin, Jr., Esq.
Attorneys for Defendants Illinois Tool Works Inc. and Miller Electric Manufacturing Co.

SEGAL, McCAMBRIDGE, SINGER & MAHONEY, Ltd.
830 Third Avenue
New York, NY 10022
Attorneys for Defendant Arcos Industries, L.L.C.

MICHAEL A. CARDODOZ
Corporation Counsel, City of New York
100 Church Street
New York, NY 10007
Attn: Raafat S. Toss, Esq.
Attorneys for Defendant City of New York

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 30, 2007



Andrew M. Buchsbaum

Friedman & James LLP

Andrew V. Buchsbaum, Esq. (AB-6475) (abuchsbaum@friedmanjames.com)

Attorneys for plaintiffs

132 Nassau Street, Suite 900

New York, NY 10038

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MICHAEL TOSCANO and DONNA TOSCANO,

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Plaintiffs, :

-against- :

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A.O. SMITH CORPORATION; SANDVIK, INC.;
DELORO STELLITE COMPANY, INC.; ARCOS
INDUSTRIES, L.L.C.; MILLER ELECTRIC
MANUFACTURING CO., INC.; THE CITY OF
NEW YORK; and JOHN DOES DEFENDANTS A-Z, :

Defendants. :

x

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION–
Malorie G. Leman**

Upon the motion of Andrew V. Buchsbaum, attorney for plaintiffs Michael Toscano and Donna Toscano; and said sponsor attorney's declaration in support;

IT IS HEREBY ORDERED that

Applicant's Name: MALORIE G. LEMAN

Firm Name: Williams Kherkher Hart Boundas, LLP

Address: 8441 Gulf Freeway, Suite 600

City/State/Zip: Houston, TX 77017-5051

Phone Number: (713) 230-2200
Fax Number: (713) 643-6226
email address: mleman@williamskherkher.com

is admitted to practice *pro hac vice* as counsel for Michael Toscano and Donna Toscano in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: New York, New York
November ___, 2007

United States District Judge